

SENATE BILL NO. 622

May 26, 1999, Introduced by Senators JOHNSON, HAMMERSTROM,
MC COTTER, EMMONS, GOUGEON and GOSCHKA and referred to the
Committee on Families, Mental Health and Human Services.

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and
722.721), section 7 as amended by 1996 PA 308, section 10 as
amended by 1996 PA 18, and section 11 as amended by 1990 PA 244;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The court shall enter an order of filiation
2 declaring paternity and providing for the support of the child
3 under 1 or more of the following circumstances:

4 (a) The finding of the court or the verdict determines that
5 the man is the father.

6 (b) The defendant acknowledges paternity either orally to
7 the court or by filing with the court a written acknowledgment of
8 paternity.

1 (c) The defendant is served with summons and a default
2 judgment is entered against him or her.

3 (2) An order of filiation entered under subsection (1) shall
4 specify the sum to be paid weekly or otherwise, until the child
5 reaches the age of 18. Subject to section ~~7a~~ 5B OF THE SUPPORT
6 AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B,
7 the court may also order support for a child after he or she
8 reaches 18 years of age. In addition to providing for the sup-
9 port of the child, the order shall also provide for the payment
10 of the necessary expenses incurred by or for the mother in con-
11 nection with her confinement, for the funeral expenses if the
12 child has died, for the support of the child before the entry of
13 the order of filiation, and for the expenses in connection with
14 the pregnancy of the mother or of the proceedings as the court
15 considers proper. However, if proceedings under this act are
16 commenced after the lapse of more than 6 years ~~from~~ AFTER the
17 birth of the child, an amount shall not be awarded for expenses
18 or support that accrued before the date on which the complaint
19 was filed unless 1 or more of the following circumstances exist:

20 (a) Paternity has been acknowledged by the father in writing
21 in accordance with statutory provisions.

22 (b) One or more payments were made for support of the child
23 during the 6-year period and proceedings are commenced within 6
24 years ~~from~~ AFTER the date of the most recent payment.

25 (c) The defendant was out of the state, was avoiding service
26 of process, or threatened or coerced the complainant not to file
27 a proceeding under this act during the 6-year period. The court

1 may award an amount for expenses or support that accrued before
2 the date the complaint was filed if the complaint was filed
3 within a period of time equal to the sum of 6 years and the time
4 that the defendant was out of state, was avoiding service of pro-
5 cess, or threatened or coerced the complainant not to file a pro-
6 ceeding under this act.

7 ~~-(3) Except as otherwise provided in this section, the court~~
8 ~~shall order support in an amount determined by application of the~~
9 ~~child support formula developed by the state friend of the court~~
10 ~~bureau. The court may enter an order that deviates from the for-~~
11 ~~mula if the court determines from the facts of the case that~~
12 ~~application of the child support formula would be unjust or inap-~~
13 ~~propriate and sets forth in writing or on the record all of the~~
14 ~~following:~~

15 ~~(a) The support amount determined by application of the~~
16 ~~child support formula.~~

17 ~~(b) How the support order deviates from the child support~~
18 ~~formula.~~

19 ~~(c) The value of property or other support awarded instead~~
20 ~~of the payment of child support, if applicable.~~

21 ~~(d) The reasons why application of the child support formula~~
22 ~~would be unjust or inappropriate in the case.~~

23 ~~(4) Subsection (3) does not prohibit the court from entering~~
24 ~~a support order that is agreed to by the parents and that devi-~~
25 ~~ates from the child support formula, if the requirements of sub-~~
26 ~~section (3) are met.~~

1 ~~(5) Beginning January 1, 1991, each support order entered by~~
2 ~~the court shall provide that each parent keep the office of the~~
3 ~~friend of the court informed of both of the following:~~

4 ~~(a) The name and address of the parent's current source of~~
5 ~~income. As used in this subdivision, "source of income" means~~
6 ~~that term as defined in section 2 of the support and parenting~~
7 ~~time enforcement act, Act No. 295 of the Public Acts of 1982,~~
8 ~~being section 552.602 of the Michigan Compiled Laws.~~

9 ~~(b) The health care coverage that is available to the parent~~
10 ~~as a benefit of employment or that is maintained by the parent;~~
11 ~~the name of the insurance company, nonprofit health care corpora-~~
12 ~~tion, or health maintenance organization; the policy, certifi-~~
13 ~~cate, or contract number; and the names and birth dates of the~~
14 ~~persons for whose benefit the parent maintains health care cover-~~
15 ~~age under the policy, certificate, or contract.~~

16 ~~(6) For the purposes of this act, "support" may include pay-~~
17 ~~ment of medical, dental, and other health care expenses, child~~
18 ~~care expenses, and educational expenses. The court shall require~~
19 ~~that 1 or both parents obtain or maintain any health care cover-~~
20 ~~age that is available to them at a reasonable cost, as a benefit~~
21 ~~of employment, for the benefit of a child who is the subject of~~
22 ~~an order of filiation under this section. If a parent is~~
23 ~~self-employed and maintains health care coverage, the court shall~~
24 ~~require the parent to obtain or maintain dependent coverage for~~
25 ~~the benefit of the child, if available at a reasonable cost.~~

26 ~~(3) -(7)- A judgment or order entered under this act~~
27 ~~providing for the support of a child or payment of expenses in~~

1 connection with the mother's confinement or pregnancy is
2 enforceable as provided in ~~Act No. 295 of the Public Acts of~~
3 ~~1982, being sections 552.601 to 552.650 of the Michigan Compiled~~
4 ~~Laws~~ THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA
5 295, MCL 552.601 TO 552.650. IF THIS ACT CONTAINS A SPECIFIC
6 PROVISION REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT
7 ORDER THAT CONFLICTS WITH A PROVISION IN THE SUPPORT AND PARENT-
8 ING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650,
9 THIS ACT CONTROLS IN REGARD TO THAT PROVISION.

10 (4) ~~-(8)-~~ Upon entry of an order of filiation, the clerk of
11 the court shall collect a fee of \$35.00 from the person against
12 whom the order of filiation is entered. The clerk shall retain
13 \$9.00 of the fee and remit the \$26.00 balance, along with a writ-
14 ten report of the order of filiation, to the director of ~~public~~
15 THE DEPARTMENT OF COMMUNITY health. The report shall be on a
16 form prescribed by or in a manner approved by the director OF THE
17 DEPARTMENT of community health. Regardless of whether the fee
18 required by this section is collected, the clerk shall transmit
19 and the department of community health shall receive the report
20 of the order of filiation.

21 (5) ~~-(9)-~~ If an order of filiation or acknowledgment of par-
22 entage is abrogated by a later judgment or order of a court, the
23 clerk of the court that entered the order shall immediately com-
24 municate that fact to the director OF THE DEPARTMENT of community
25 health on a form prescribed by the director of ~~public~~ THE
26 DEPARTMENT OF COMMUNITY health. An order of filiation supersedes
27 an acknowledgment of parentage.

1 (6) ~~-(10)-~~ Within the time prescribed by court rule, the
2 party, attorney, or agency that secures the signing of an order
3 of filiation shall serve a copy of the order on all parties to
4 the action and file proof of service with the court clerk.

5 Sec. 10. ~~-(1)-~~ The court has continuing jurisdiction over
6 proceedings brought under this act to increase or decrease the
7 amount fixed by the order of filiation subject to section ~~7(3)~~
8 ~~or (4)~~ 7, and to provide for, change, and enforce provisions of
9 the order relating to the custody or support of or parenting time
10 with the child.

11 ~~-(2) Beginning January 1, 1991, each support order modified~~
12 ~~by the court shall provide that each parent shall keep the office~~
13 ~~of the friend of the court informed of both of the following:~~

14 ~~(a) The name and address of the parent's current source of~~
15 ~~income. As used in this subdivision, "source of income" means~~
16 ~~that term as defined in section 2 of the support and parenting~~
17 ~~time enforcement act, Act No. 295 of the Public Acts of 1982,~~
18 ~~being section 552.602 of the Michigan Compiled Laws.~~

19 ~~(b) The health care coverage that is available to the parent~~
20 ~~as a benefit of employment or that is maintained by the parent;~~
21 ~~the name of the insurance company, nonprofit health care corpora-~~
22 ~~tion, or health maintenance organization; the policy, certifi-~~
23 ~~cate, or contract number; and the names and birth dates of the~~
24 ~~persons for whose benefit the parent maintains health care cover-~~
25 ~~age under the policy, certificate, or contract.~~

26 Sec. 11. (1) ~~-(a)-~~ If a mother of a child born out of
27 wedlock possesses property and fails to support and educate her

1 child, the court having jurisdiction, on application of the
 2 CHILD'S guardian or next friend, ~~of the child,~~ or the
 3 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY if the
 4 child is being supported in whole or in part by public assist-
 5 ance, may ~~examine into~~ INVESTIGATE the matter and, after a
 6 hearing and subject to section ~~7(3) or (4)~~ 7, may make an order
 7 charging the mother with the payment of money weekly or otherwise
 8 for the CHILD'S support and education. ~~of the child.~~

9 (2) ~~(b)~~ The court may require the mother to give security,
 10 by bond, with sufficient sureties approved by the court for the
 11 payment as directed by the order. In case of default under
 12 ~~such~~ THE bond, the ~~same~~ BOND shall be enforced in ~~like~~ THE
 13 manner ~~as is~~ provided in section 9.

14 (3) ~~(c) Nothing in this~~ THIS section ~~shall be deemed to~~
 15 DOES NOT relieve the father from liability for THE CHILD'S sup-
 16 port and education ~~of the child~~ in accordance with ~~the provi-~~
 17 ~~sions of~~ this act.

18 Enacting section 1. Section 7a of the paternity act, 1956
 19 PA 205, MCL 722.717a, is repealed.

20 Enacting section 2. This amendatory act does not take
 21 effect unless Senate Bill No. 619

22 of the 90th Legislature is enacted into
 23 law.